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16 UNITED STATES DISTRICT COURT  
17 NORTHERN DISTRICT OF CALIFORNIA  
18 SAN FRANCISCO DIVISION

19 NETWORK CACHING TECHNOLOGY,  
20 L.L.C.,

21 Plaintiff,

22 v.

23 NOVELL, INC., VOLERA, INC.,  
24 AKAMAI TECHNOLOGIES, INC.,  
25 CACHEFLOW, INC., AND INKTOMI  
26 CORPORATION

27 Defendants.

Case No. CV-01-2079 (VRW)

**ANSWER TO COUNTERCLAIMS  
OF AKAMAI TECHNOLOGIES, INC. IN  
ITS AMENDED ANSWER TO AMENDED  
COMPLAINT, AFFIRMATIVE DEFENSES  
AND COUNTERCLAIMS**

28 Plaintiff - Counterclaim Defendant Network Caching Technology, L.L.C. ("NCT") replies  
to the Counterclaims of Defendant - Counterclaim Plaintiff Akamai Technologies, Inc.  
("Akamai") as follows:

**Counterclaims**

**The Parties**

1. Admitted.
2. Admitted.

**Jurisdiction**

3. Admitted.
4. Admitted.

**Existence of an Actual Controversy**

5. Admitted.
6. Admitted.
7. Plaintiff NCT is without sufficient information or knowledge to ascertain the time at which Akamai and/or any of its customers became aware of any of the patents-in-suit. NCT admits that it did not notify Akamai of its infringement prior to filing suit.

**Declaration of invalidity of the '049, '914, '452 and/or '234 Patents**

8. Denied.

**Declaration of Non-Infringement of the '049, '914, '452 and/or '234 Patents**

9. Denied.

1           Wherefore, Plaintiff - Counterclaim Defendant NCT requests that this Court enter  
2 judgment in its favor and against Defendant - Counterclaim Plaintiff Akamai as follows:

3  
4           (a)   Granting the relief requested by NCT in its amended complaint, including, *inter*  
5                *alia*, a declaration that the '049, '914, '452 and '234 patents are valid and infringed  
6                by Akamai.

7  
8           (b)   Such other relief as the Court deems proper.

9  
10          Dated: February 4, 2002

Respectfully submitted,

11                               JONES, DAY, REAVIS & POGUE

12  
13                               By: /s/ Blaney Harper  
14                                       Blaney Harper

15                               Attorneys for Plaintiff  
16                               NETWORK CACHING TECHNOLOGY,  
17                               L.L.C.